

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

RESOLUTE FOREST PRODUCTS, INC.,
RESOLUTE FP US, INC., RESOLUTE FP
AUGUSTA, LLC, FIBREK GENERAL
PARTNERSHIP, FIBREK U.S., INC.,
FIBREK INTERNATIONAL, INC., and
RESOLUTE FP CANADA, INC.

Plaintiffs,

v.

GREENPEACE INTERNATIONAL (aka
“GREENPEACE STICHTING COUNCIL”),
GREENPEACE, INC., GREENPEACE FUND,
INC., FORESTETHICS, DANIEL BRINDIS,
AMY MOAS, MATTHEW DAGGETT, ROLF
SKAR, TODD PAGLIA, and JOHN AND
JANE DOES 1-20,

Defendants.

CIVIL ACTION FILE

NO. 1:16-cv-0071-JRH-BKE

**MOTION TO DISMISS OR TO TRANSFER FOR LACK OF VENUE OF DEFENDANTS
STAND AND PAGLIA WITH CONSOLIDATED MEMORANDUM OF LAW**

COME NOW Defendants Stand, formerly known as ForestEthics (“Stand”), and Todd Paglia (“Mr. Paglia”) and, pursuant to 28 U.S.C. §§ 1406(a) or 1404(a), respectfully move the Court to dismiss or this case for lack of venue or, alternatively, to transfer this case to the United States District Court for the Northern District of California.

Stand and Mr. Paglia join in the motion to dismiss or transfer for lack of venue filed by the Greenpeace defendants. In the interest of brevity, Stand and Mr. Paglia will not repeat all of the venue arguments made by the Greenpeace defendants and, instead, incorporate those arguments herein by reference. Simply put, the connection between the claims in this case and the Southern

District of Georgia are virtually nonexistent. This is particularly true for Stand and Mr. Paglia, as they have no offices or operations in Georgia and have never travelled to Georgia for any purpose relevant to the claims in this case. It is also undisputed that they were not present at the alleged protest in Augusta that seems to be the thin reed upon which Plaintiffs attempt to manufacture some connection between this District and some of the defendants. (See Compl., ¶ 208; Declaration of Todd Paglia, Docket No. 55-2 [Paglia Decl.'], ¶¶ 7-21). Moreover, it is difficult to imagine a forum within the continental United States that would be more inconvenient to Mr. Paglia and Stand than the Augusta Division of the Southern District of Georgia. Attendance at Court for them will require a 5-hour plane ride to the Atlanta airport and then a 2-hour drive to Augusta.

In contrast, in addition to the reasons cited by the Greenpeace defendants, the Northern District of California, based in San Francisco, would not only be the most appropriate forum for this case generally, but it would also be particularly convenient for Stand and Mr. Paglia. Stand is incorporated in California and maintains an office in San Francisco. Mr. Paglia regularly travels to that office from his home in Washington State. All of Stand's employees, witnesses, and documents that may be relevant to this case are located in San Francisco or its nearby offices in the Pacific Northwest. (Paglia Decl., ¶¶ 3-4).

For the foregoing reasons, and for the reasons urged by the Greenpeace defendants, the Court should dismiss this case for improper venue or transfer it to the United States District Court for the Northern District of California.

[Signature on following page.]

Respectfully submitted, this the 8th day of September, 2016.

/s/ Shaun M. Daugherty

Shaun M. Daugherty

Georgia Bar No. 205877

Matthew S. Coles

Georgia Bar No. 178020

Application for admission pending

Thomas M. Barton

Georgia Bar No. 040821

Application for admission pending

Aaron P.M. Tady

Georgia Bar No. 696273

Application for admission pending

COLES BARTON LLP
150 South Perry Street, Suite 100
Lawrenceville, Georgia 30046
(770) 995-5552 (telephone)
(770) 995-5582 (fax)
sdaugherty@colesbarton.com
mcoles@colesbarton.com
tbarton@colesbarton.com
atady@colesbarton.com

Attorneys for Defendants Stand
and Todd Paglia

CERTIFICATE OF SERVICE

This is to certify that on this day, the 8th day of September, 2016, I electronically filed the foregoing document and have served all parties in this case using the CM/ECF System, which will automatically generate an e-mail notification of such filing to all the attorneys of record listed with the Clerk of Court.

/s/ Shaun M. Daugherty
Shaun M. Daugherty
Georgia Bar No. 205877

Attorney for Defendants Stand and
Todd Paglia